

EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

X Index No.:

WILLIAM MARTIN,

PLAINTIFF,

-against-

**AFFIDAVIT IN SUPPORT OF
THE MOTION FOR
INJUNCTION**

THE NEW YORK PUBLIC LIBRARY, ZENA GEORGE,
CHARMAINE MCFARLANE, BEN SAPADIN,
TERRANCE NEAL, AND JESSICA ROSENTHAL,

DEFENDANTS.

X

STATE OF NEW YORK)
COUNTY OF New York) ss:

WILLIAM MARTIN, being duly sworn, deposes and says:

1. I am the Plaintiff in this action, and respectfully submit this affidavit based on my personal knowledge of the facts and circumstances in this matter in support of the motion for preliminary injunction against defendant the New York Public Library (the "NYPL") with a Temporary Restraining Order, enjoining them from denying my request for a disability leave.

2. I am an employee of the NYPL.

3. I started working for the NYPL in August 2005.

4. I had been working at the STAVROS NIARCHOS FOUNDATION (SNFL) in midtown from July 2006 to late 2023.

5. From June to October 2023, I had been discriminated against and harassed by management at the SNFL because I reiterated my concerns for the lack of accommodation at the first-floor service desk.

6. After the management summarily suspended me without justification, I requested a transfer and put in a request for medical leave.

7. Subsequently, I was transferred out of the SNFL, a toxic and hostile work environment.

8. I have been working at the Ottendorfer Library at 135 Second Avenue since November 27, 2023.

9. On October 1, 2021, I first raised my concerns on health and safety about the first-floor service desk that lacks accommodations to Mr. Terrance Neal and Ms. Deborah Allman.

10. I stand at 6'2" and weigh 360 pounds.

11. I requested a service desk with the appropriate and necessary accommodation such as sufficient leg room and even countertop.

12. Ms. Sally Speller, my direct supervisor at the time, was quite empathetic to my plight and intervened on my behalf.

13. When I brought my concerns to Ms. Speller's attention, she immediately alerted her supervisor (Ms. Michelle Malone) of the issue.

14. Upon Ms. Malone denial of my request, I had to get my union involved in this matter.

15. Once Mr. Jose Alamo saw the first-floor service desk countertop and my stature, he immediately asked the NYPL to either reconfigure the countertop or reassign me; and if the NYPL did neither, then the union would file a grievance on my behalf.

16. As a result, my concerns were adequately addressed at that time as I was not assigned to the first-floor service desk.

17. Things made a sudden turn for the worse when Ms. Zena George became the Assistant Director of the SNFL.

18. Since June 15, 2023, I have found myself a target of discrimination and harassment at the SNFL.

19. I was retaliated against because I dared to speak up on my concerns and even took the extraordinary step to hire legal representation to be my advocate.

20. All I sought was just a service desk with the appropriate accommodation given my physical attributes.

I. DEFENDANT THE NYPL SHOULD BE ENJOINED FROM DENYING MY REQUEST FOR A SECOND DISABILITY LEAVE.

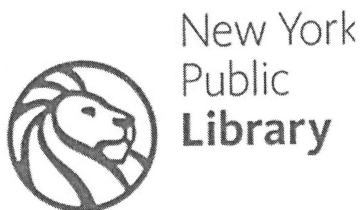
21. As a result of discrimination and harassment at the hostile work environment at the SNFL, I put in a request for medical leave.

22. On November 22, 2023, I was granted FMLA leave for 12 weeks.

23. I took my first leave of **3 weeks from November 6 through November 26, 2023.**

24. I returned to work at the new library, the Ottendorfer, on November 27, 2023.

25. The 11/22/2023 FMLA Leave approval letter by Ms. Ashley Lebowitz is enclosed below.



Date: November 22, 2023

To: William Martin - Ottendorfer Library

From: Ashley Lebowitz - Benefits Office

DESIGNATION NOTICE
FAMILY MEDICAL LEAVE ACT (FMLA)

You have been approved for Medical Leave for the time period of November 6, 2023 through November 26, 2023.

All leave taken during this time period will be designated as FMLA leave. Under FMLA, eligible employees are entitled to 12 weeks (420 hours) of protected leave in a 12-month period. NYPL counts FMLA on rolling 52-consecutive week basis. You are required to use sick and annual leave while out on medical leave. The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or need to be extended.

Based on the information you have provided to date; we are providing the following information about the amount of time that will be counted against your leave entitlement:

As of October 29, 2023 you have 12 weeks of FMLA. Since you will be out from 11/6/2023 through 11/26/2023 returning on 11/27/2023, **3 weeks will be counted towards your FMLA entitlement.**

26. I have **9 weeks left** for my FMLA leave.

27. In July 2024, after I had found out more about what was going on last year when I was being discriminated against and harassed at the SNFL, and how the management was bent on singling me out for speaking up, I found my mental health deteriorating and put in a request for another FMLA leave.

28. Much to my shock and dismay, my request despite the 12-week approval, was denied summarily by the NYPL.

29. My counsel reached out to my union representative during the summer and the NYPL on

this issue, to no avail.

30. Dr. Witmer, my psychiatrist, has told me to take a leave for my mental health.

31. Under my advice of my counsel, I have put in another request for FMLA leave.

WHEREFORE, it is respectfully requested that the relief requested herein be granted in its entirety.

DATED: BROOKLYN, NEW YORK

Respectfully,

By: _____

WILLIAM MARTIN

Sworn to before me on this

23 Day of September, 2024



NOTARY PUBLIC

GANESH JUNIOR RAM

Notary Public - State of New York

No. 01RA6418262

Qualified in Queens County

My Commission Expires 06/07/2025